

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DEREK CLINTON WARD, #063564

v.

KEVIN SETTLE

§
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§

Case No. 6:19-cv-590

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Derek Clinton Ward, an inmate at the Gregg County Jail, proceeding *pro se*, filed this civil rights action alleging purported violations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On January 27, 2020, Judge Love issued a Report (Docket No. 5) recommending that Plaintiff's civil rights lawsuit be dismissed without prejudice for Plaintiff's failure to comply with an order of the Court (Docket No. 3). Specifically, Judge Love highlighted that Plaintiff failed to either pay the \$400.00 filing fee or apply to proceed *in forma pauperis* within thirty days of receipt of the order. The docket reflects that Plaintiff received a copy of that order on December 19, 2019; however, Plaintiff failed to comply with it. A copy of Judge Love's Report was sent to Plaintiff at his address, with an acknowledgment card. However, to date, Plaintiff has neither filed objections to the Report nor complied with the order.

Because objections to Judge Love's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and

recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that the above-styled civil rights lawsuit is **DISMISSED** without prejudice for Plaintiff's failure to comply with an order of the Court. Further, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED** as moot.

So **ORDERED** and **SIGNED** this **5th** day of **March, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE